

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD AUGUST 6, 2009 AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 p.m.

CONDUCTING: Mayor W. Dean Howard

ROLL CALL: Councilmembers Paul C. James, Thomas C. LaBau, Stephanie Miller, and Craig Rasmussen present.

EXCUSED: Martin L. Felix

CALL TO ORDER: There being four members present and four members representing a quorum, Mayor Howard called the meeting to order.

OTHERS PRESENT: Zoning Administrator, and one citizen. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Howard welcomed everyone in attendance.

PLEDGE OF ALLEGIANCE: Councilmember Rasmussen led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Councilmember James

APPROVAL OF MINUTES:

The minutes of July 16, 2009 were approved as written.

ACTION Councilmember Miller made a motion to approve the minutes of July 16, 2009 as written. Councilmember Rasmussen seconded the motion and all four councilmembers present voted aye.

AGENDA ADOPTION: A copy of the notice and agenda for this meeting was faxed to The Herald Journal, posted on the State of Utah Public Notice website, mailed to each member of the governing body, and posted at the Civic Center more than forty-eight hours before meeting time.

Councilmember LaBau suggested amending agenda item 8.C. to read as follows: "Ordinance 09-10 - An ordinance amending Title 17 Zoning Ordinance of the Hyrum City Municipal Code to further define an accessory building, to require construction to begin on approved site plans within one year, repeal boarding & rooming houses in the R-2 Residential Multi-Family and R-4 Residential Varied Lot Sizes Zones, and to permit beekeeping on lots 22,000 square feet or larger."

ACTION Councilmember James made a motion to approve the agenda with the above amendment. Councilmember Miller

seconded the motion and all four councilmembers present voted aye.

AGENDA

8. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCE:
 - A. Ordinance 09-07 - An ordinance adding Chapter 2.06 Minutes of Public Meetings to Title 2 Administration and Personnel of the Hyrum City Municipal Code establishing a policy and procedure for the approval of written minutes for the public meetings of the City Council and other Public Bodies of Hyrum City.
 - B. Ordinance 09-08 - An ordinance amending Section 5.04.200 Home Occupation of Chapter 5.04 Business Licenses Generally of the Hyrum City Municipal Code to prohibit specific businesses from being granted a Home Occupation Business License.
 - C. Ordinance 09-09 - An ordinance amending Title 17 Zoning Ordinance of the Hyrum City Municipal Code to further define an accessory building, to require construction to begin on approved site plans within one year, repeal boarding & rooming houses in the R-2 Residential Multi-Family and R-4 Residential Varied Lot Sizes Zones, and to permit beekeeping on lots ~~larger than~~ 22,000 square feet or larger.
9. OTHER BUSINESS:
 - A. Appointment to Senior Center Board.
 - B. Mayor and City Council reports.
10. ADJOURNMENT

INTRODUCTION AND ADOPTION OF ORDINANCES:

ORDINANCE 09-07 - AN ORDINANCE ADDING CHAPTER 2.06 MINUTES OF PUBLIC MEETINGS TO TITLE 2 ADMINISTRATION AND PERSONNEL OF THE HYRUM CITY MUNICIPAL CODE ESTABLISHING A POLICY AND PROCEDURE FOR THE APPROVAL OF WRITTEN MINUTES FOR THE PUBLIC MEETINGS OF THE CITY COUNCIL AND OTHER PUBLIC BODIES OF HYRUM CITY.

Mayor Howard said changes in State Law now require cities to adopt a written policy for approval of the minutes of City Council and all other public meetings. The proposed ordinance requires a draft set of minutes to be given to the Public Body before its next regularly scheduled meeting. If the minutes are not distributed to the Public Body before the meeting or if the Public Body fails to act on the minutes, the minutes are considered approved.

Councilmember Rasmussen asked what Boards or Committees are considered a Public Body.

Mayor Howard explained that a Public Body is defined as any administrative, advisory, executive, or legislative body that is

created by ordinance or resolution, expends, disburses, or is supported in whole or in part by tax revenue, and is vested with authority to make decisions regarding the public's business. The Hyrum City Council, Planning Commission, and Museum Advisory Board are set up by Ordinance and are considered a Public Body.

ACTION

Councilmember James made a motion to adopt Ordinance 09-07 adding Chapter 2.06 Minutes of Public Meetings to Title 2 Administration and Personnel to the Hyrum City Municipal Code establishing a policy and procedure for the approval of written minutes for the public meetings of the City Council and other Public Bodies of Hyrum City.~~he agenda with the above amendment.~~ Councilmember Miller seconded the motion and all four councilmembers present voted aye.

AMENDED

08-20-09

ORDINANCE 09-08 - AN ORDINANCE AMENDING SECTION 5.04.200 HOME OCCUPATION OF CHAPTER 5.04 BUSINESS LICENSES GENERALLY OF THE HYRUM CITY MUNICIPAL CODE TO PROHIBIT SPECIFIC BUSINESSES FROM BEING GRANTED A HOME OCCUPATION BUSINESS LICENSE.

Mayor Howard said the Planning Commission is recommending the City prohibit home occupation business licenses for auto repairs, salvage yards, appliance repairs, welding and machine shops, cabinet shops, restaurants, and animal clinics.

Councilmember Miller said Councilmember Felix contacted her regarding the proposed changes. He is concerned about the financial impact it may have on residents trying to find away to make extra money during this economic downturn. He had several people contact him this week and ask him to vote against this ordinance. He requested the City Council table this until the next meeting when he can be present to discuss his concerns.

Zoning Administrator Ron Salvesen said over the past couple of months he has received numerous phone calls from citizens complaining about junky vehicles on residential lots. The majority of the problems are from Home Occupation Businesses doing auto repairs. Some of the property owner's have a Home Occupation Business License and some do not. He contacted several other cities and most cities do not allow auto repairs, welding and machine shops, and cabinet shops in residential neighborhoods.

AMENDED

08-20-09

Councilmember Miller said the City sets conditions and requirements on a Home Occupation Business before a license is issued. If a business owner is not complying with the conditions set in his/her license then the City should revoke the license.

Zoning Administrator Ron Salvesen said the Planning Commission felt these types of businesses are disruptive and dangerous in

residential neighborhoods.

Councilmember LaBau said Section 5.04.200 lists specific standards that an applicant for a Home Occupation Business License must agree to in order to be issued a license. Outside storage of goods and materials are prohibited. No noise, odor light, vibrations or dust in excess of that normally associated with a residential neighborhood shall pass beyond the premises. The occupations will be conducted entirely within the house, yard, and existing outbuildings. If a business isn't complying with the conditions set by ordinance then the City shouldn't issue or renew the license.

Councilmember Miller said if there is a problem with old cars, parts, and metal in a yard, she would rather the City enforce its nuisance ordinance rather than prohibiting these types of businesses

ACTION Councilmember Rasmussen made a motion to table Ordinance 09-08 amending Section 5.04.200 Home Occupation of Chapter 5.04 Business Licenses Generally of the Hyrum City Municipal Code to prohibit specific businesses from being granted a Home Occupation Business License until the next City Council Meeting. Councilmember Miller seconded the motion and all four councilmembers present voted aye.

ORDINANCE 09-09 - AN ORDINANCE AMENDING TITLE 17 ZONING ORDINANCE OF THE HYRUM CITY MUNICIPAL CODE TO FURTHER DEFINE AN ACCESSORY BUILDING, TO REQUIRE CONSTRUCTION TO BEGIN ON APPROVED SITE PLANS WITHIN ONE YEAR, REPEAL BOARDING & ROOMING HOUSES IN THE R-2 RESIDENTIAL MULTI-FAMILY AND R-4 RESIDENTIAL VARIED LOT SIZES ZONES, AND TO PERMIT BEEKEEPING ON LOTS 22,000 SQUARE FEET OR LARGER.

Mayor Howard said this ordinance regulates the use of metal storage containers and portable shelters on residential lots, establishes an expiration date for site plans, repeals boarding and rooming houses in zones R-2 and R-4, and limits the number of beehives on residential lots. The 140 square-foot limit on metal storage containers allows use of van bodies but not semi-trailers as storage facilities. It will permit three hives for the first minimum of 22,000 square feet of lot area and one additional hive per additional minimum of 10,000 square feet of lot area. No more than six hives are allowed in a city block.

ACTION Councilmember LaBau made a motion to ~~table~~ approve
AMENDED Ordinance 09-09 amending Title 17 of the Hyrum City
08-20-09 Municipal Code to further define an accessory building,
to require construction to begin on approved site plans
within one year, repeal boarding and rooming houses in

the R-2 Residential Multi-Family and R-4 Residential Varied Lot Sizes Zones, and to permit beekeeping on lots larger than 22,000 square feet with the following amendment to the title of the Ordinance change "and to permit beekeeping on lots larger than 22,000 square feet" to "and to permit beekeeping on lots 22,000 square feet or larger. Councilmember Miller seconded the motion and all four councilmembers present voted aye.

AMENDED
08-20-09

~~ACTION Councilmember Felix made a motion to approve Resolution 09-11 approving an Identity Theft Prevention Program. Councilmember LaBau seconded the motion and all four councilmembers present voted aye.~~

OTHER BUSINESS:

APPOINTMENT TO THE SENIOR CENTER BOARD.

ACTION Councilmember James made a motion to appoint Del Mac Nielsen to serve a five year term on the Senior Center Board. Councilmember Miller seconded the motion and all four Councilmembers present voted aye.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember LaBau said this year there have been fewer mosquito pools that tested positive for the West Nile Virus.

Councilmember James said over 600 people attended the National Night Out Against Crime on August 4. He met with the Recreation Committee to review this year's baseball and softball program.

Councilmember Rasmussen said he spoke with Brian Tippetts regarding the soccer program and maintenance of the City's fields. He is trying to reduce usage of the fields by not allowing teams that are not comprised of Hyrum players. He checks the rosters and if the majority of the players are not from Hyrum he doesn't allow them to use the fields.

Councilmember Miller thanked Councilmember James for his work on the National Night Out Against Crime. Hyrum City's Fair Booth was awarded the Sweepstakes Ribbon at the Cache County Fair. She is working with the Sesquicentennial Committee on Hyrum City's 150 Year Celebration. Hyrum Smith of Franklin Covey has agreed to be a speaker. In order to accommodate the number of people that will come to hear him speak, it may have to be held in Mountain Crest's Auditorium.

ADJOURNMENT:

ACTION **There being no further business before the City Council, the Council Meeting adjourned at 7:30 p.m.**

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: August 20, 2009
 As Amended